

COMMUNITY DEVELOPMENT RESOURCE AGENCY

PROCESS: **Agricultural Accessory Structures – Permit Processing**

REVISION DATE: October 1, 2007

PURPOSE: To allow property owners with properties with an area of 10 Acres or larger relief from payment of full building permit fees when the use of the building meets the definition of an agricultural accessory structure per County Counsel, Agriculture Commissioner, Placer County Zoning Ordinance and the California Building code as adopted by Placer County ordinance. This exemption is intended to foster and maintain the historic agricultural tradition of Placer County.

1. Determine that the proposed structure meets the criteria for an exemption from payment of customary building permit fees.
 - Property is 10 Acres in area or greater
 - Property is zoned F, RA, or AE
 - Proposed structure is classified as an agricultural accessory structure as defined in the Placer County Zoning Ordinance.
 - Proposed structure is not intended for agricultural processing as defined in the Placer County Zoning Ordinance.
 - Structure is not intended to be used by employees or to be accessed by the general public.
 - Proposed structure is to be used in support of an agricultural operation
2. Obtain Ag Commissioner approval if unable to make the above determination.
3. Applicant must complete the standard Application for Construction as well as the Agricultural Building Permit Information/Declaration.
4. Applicant must provide (3) copies of a site plan, drawn to scale, per Placer County Requirements.
5. Applicant must provide (3) copies of a floor plan, drawn to scale, per Placer County Requirements. If proposed structure is to be located on a property less than 10 acres, full construction drawings will be required.
6. Applicant must obtain all clearances from Planning [zoning, setbacks], Public Works [encroachment onto the public way, grading/erosion, flood zone], and Environmental Health [septic and well impacts] and the fire protection agency with jurisdiction.

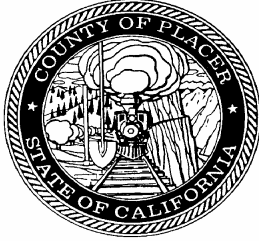
7. Permit Type & Fees:

- Proposed structures which fully meet the exemption identified in #1 will be initiated in PLUS as BAGR-AG10 and will be assessed fees in the amount of \$50 [\$30 BL-AGRBLDG for processing, \$20 BL-REC for records retention] plus \$40 for each individual utility present in the structure [electric BL-RESELEC, plumbing BL-RESPLM, mechanical BL-RESMECH]
- Fire mitigation fees may apply. Applicant may be required to provide proof of payment or proof of fee waiver from the fire agency with jurisdiction over property where proposed structure is to be constructed.
- Proposed structures which meet the definition of an agricultural accessory structure per the Placer County Zoning Ordinance but which are located on properties of less than 10 Acres in size OR on properties zoned RES, FOR, TPZ and O will be initiated in PLUS as BAGR-AGBLDG and will be assessed permit fees derived by the calculation of a valuation based on square footage per the current fee schedule.
- For the purposes of this procedure, structures with improvements in support of human habitation [bathrooms, attendant quarters, offices, etc.] typically found in animal breeding operations may qualify for the exemption if all other criteria are met. Ag Commissioner approval is required.
- For the purposes of this procedure, a differentiation is made between human habitation by property owners vs. employees or the general public. An agricultural accessory structure with improvements in support of human habitation where only property owners will have access may be allowed if all other criteria are met. Ag Commissioner approval is required.

8. Permits will be issued for (2) years.

9. Permits will be inspected as follows:

- BAGR-AG10 – Setback inspection only
- BAGR-AGBLDG – Full plan check and inspection.



MEMORANDUM
FROM THE OFFICE
OF COUNTY COUNSEL

TO: Tim Wegner, Assistant Chief Building Official

FROM: Karin E. Schwab, Deputy County Counsel

DATE: September 4, 2007

SUBJECT: Building Permit Exemptions for Agricultural Buildings or Structures

Issue:

What type of agricultural building or structure qualifies for the building permit exemption category outlined in UBC Section 106.2(12) and County Code Chapter 15, Article 15.04, Section 15.04.050?

Conclusion:

Only those agricultural buildings and structures that fall within the UBC Section 202 definition qualify for the building permit exemption set forth in UBC Section 106.2(12) and County Code Chapter 15, Article 15.04, Section 15.04.050. A building in which crop or plant processing is proposed does not fall within this exemption, regardless of the fact that this is an "agricultural operation".

Analysis:

In order to determine whether a proposed agricultural building or structure qualifies for a building permit exemption, a factual determination must be undertaken and all three of the following questions must be answered in the affirmative:

- (1) Does the proposed agricultural building or structure fall within the definition of UBC Section 202?

- (2) Is the proposed agricultural building or structure proposed on property that is zoned F, RF, AE or R; consisting of 10 or more acres; or on CA Land Conservation properties?
- (3) Is such property and building(s) used primarily for agricultural purposes or are such buildings or structures necessary to the agricultural development or use of such property?

From our discussion on this issue it appears that confusion has arisen over which buildings can be exempted. Specifically, it appears that an argument is being made that if the building or structure is located on agricultural-zoned property and used for an agricultural purpose that the proposed building automatically qualifies for the building permit exemption. This is not a correct interpretation of UBC 202. While the determination of the zoning and use is pertinent, the nature of the use *within* the building is the final determining factor as to whether the proposed building qualifies for the exemption.

UBC 202 defines an agricultural building as:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural projects. This structure *shall not* be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

(Emphasis added.)

There is no case law that discusses what constitutes the processing, treating or packaging of agricultural products. However, this term is elaborated upon in the County Zoning Code definition of an “agricultural accessory structure”, which definition is substantially the same as UBC 202:

‘Agricultural accessory structure’ (land use) means an *uninhabited* structure or building designed and built to *store* farm animals, implements, supplies or products, that contains no residential use and is not open to the public. Includes: bars; grain elevators; silos, and other similar buildings and structures, *but not commercial greenhouses* (which are under ‘Plant nurseries’) *or buildings for agricultural processing activities* (which are under Agricultural processing’).

(Emphasis added. Section 17.04.030)

The Zoning Code defines an “agricultural process” as “the processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere”. The production of “all types of nursery stock and ornamental plants” is also considered under the Zoning Code to be a “type of crop production”. (Section 17.04.030).

Therefore, what distinguishes the exempted agricultural building from the non-exempt type is the level of human interaction *within* the building and *not* whether the use is agricultural in nature. If an agricultural building is proposed in which processing of a crop or plant will occur, this building is not exempt from the requirement to obtain a building permit. It is only those buildings in which the main purpose is to house farm animals, store farm products and/or equipment and in which the human interaction with the interior of the building is absolutely minimal that the exemption to the building permit applies.

Please let me know if you need further assistance or have other questions regarding this matter.

cc: Christiana Darlington